IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.123 OF 2006

Laxman Ramhari Gaikwad ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. V.M. Thorat for the applicant.

Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 23rd January, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that he is likely to be arrested in connection with the complaint filed by one Balasaheb Gaikwad which is registered with the Vairag Police Station under section 307, 143, 147, 148, 149, 336, 341, 323 and 504 of the Indian Penal Code.

3. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant is working as head master in an Institute where there are to rival groups and the complainant belongs to rival

group. He submitted that the Grampanchayat elections were held prior to the incident and the complainant, initially, belonged to the party of the applicant. However, prior to the Grampanchayat elections, he left the party and, therefore, there was some discord between the two. It is alleged by the complainant that he was assaulted by the eight people including the applicant. The learned Counsel for the applicant submitted that the injury certificate issued by the doctor clearly indicated that all the injuries were simple in nature and both, the complainant and the another eye witness have not attributed any specific role of assault by the applicant. He submitted that the applicant's name has been impleaded on account of political rivalry and groupism. The learned Counsel for the applicant submitted that the other accused have been released on bail. He submitted that if the applicant is arrested, he is likely to be suspended since he is head-master of the High School and Junior College at Shelgaon, Taluka Barshi.

4. The learned APP appearing on behalf of the State, however, vehemently opposed the grant of anticipatory bail. He submitted that the applicant's presence is established by the statement of the eye witness who has alleged that the applicant was present at the

scene of offence and was armed with an iron rod.

5. In my view, this is not a fit case for grant of an anticipatory bail as there are statements of three persons who have alleged that the applicant was present at the scene of offence. Therefore, the question of granting anticipatory bail does not arise. It is well settled that the parameters for grant of anticipatory bail and regular bail are different and though the applicant may have a good case for grant of regular bail, in my view, this is not a fit case for grant of an anticipatory bail. In the result the application for anticipatory bail is rejected.

6. It is clarified that the observations made by this Court may not be considered as an opinion on merits and the Trial Court may consider the application for bail on its own merits and in accordance with law.

7. The learned Counsel for the applicant submits that the applicant shall remain present before the Magistrate within seven days from today. The applicant, accordingly, to remain present before the Magistrate within seven days and if an application for bail is filed, it may be considered expeditiously.

8. Criminal Application is disposed of in the above terms.

V.M. KANADE, J.